

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

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In re:	Bankruptcy Case No.: 20-30663
The Roman Catholic Diocese of Syracuse,	Chapter 11
Debtor.	

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**LONDON MARKET INSURERS, INTERSTATE, AND TRAVELERS’  
DESIGNATION OF FACT WITNESSES FOR DEPOSITIONS FOR THE HEARING  
ON CONFIRMATION OF THE THIRD AMENDED PLAN OF REORGANIZATION**

Certain Underwriters at Lloyds, London and Certain London Market Insurers (“LMI”), Interstate Fire & Casualty Company (“Interstate”), Travelers Insurance Company Limited and Travelers Casualty and Surety Company and Traveler’s Indemnity Company (“Travelers”) (collectively, “Certain Insurers”), hereby list the following fact witnesses as potential deponents for use in the Confirmation Hearing on the Third Amended Joint Chapter 11 Plan of Reorganization for the Roman Catholic Diocese of Syracuse (“Third Amended Plan of Reorganization” and collectively with all other plans of reorganization proposed in this bankruptcy case, “Plans”),<sup>1</sup> pursuant to the Court’s May 10, 2024 Order Setting Confirmation Hearing Schedule for the Third Amended Joint Chapter 11 Plan of Reorganization for the Roman Catholic Diocese of Syracuse, New York [Dkt. 1880] (“Plan Confirmation Scheduling Order”).

**Fact Witnesses**

The following fact witnesses are deponents that Certain Insurers may depose during discovery in preparation for the Confirmation Hearing on the Third Amended Plan of Reorganization. Certain Insurers reserve the right to supplement this Fact Witness list upon

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<sup>1</sup> Capitalized terms used but not defined herein shall have the meaning ascribed to them in the Third Amended Plan of Reorganization.

obtaining further information throughout discovery. Certain Insurers further reserve the right to depose any fact witness listed in any party's Fact Witness list submitted to the Court pursuant to the Plan Confirmation Scheduling Order.

1) Mr. Stephen Breen<sup>2</sup>

Roman Catholic Diocese of Syracuse, New York – Chief Financial Officer  
240 E. Onondaga St.  
Syracuse, NY 13202

**Topics:** Testimony set forth in his court-filed declarations [Dkt. 6, 109, 753, 1041]; settlement with the Committee; formulation of the Third Amended Plan and prior Plans; the Insurance Policies and responsibilities under these Policies; the Gallagher Bishop's Program and/or Gallagher Bishop's Plan; the relationship between The Roman Catholic Diocese of Syracuse, New York ("Diocese") and its third-party administrators or brokers; the defense of liability claims, including sexual abuse claims, asserted against the Diocese and its parishes, schools and other related entities ("Related Entities"); the settlement of sexual abuse claims asserted against the Diocese and its Related Entities prior to the Diocese's filing the Chapter 11 Case in the Northern District of New York Bankruptcy Court on June 19, 2020; the use of a service organization; the treatment and settlement of abuse claims and abuse claimants; the contemplated Trust Agreement and Allocation Protocol; Communications between the Diocese and the Related Entities with the Committee and abuse claimants; the Independent Reconciliation and Compensation Program ("IRCP"); Trust governance and selection of Trust fiduciaries; document retention policies; procurement of excess insurance; and all topics relevant to confirmation under 11 U.S.C. § 1129.

2) Rev. Msgr. Timothy Elmer<sup>3</sup>

Roman Catholic Diocese of Syracuse, New York – Vicar General and Corporate Vice President  
240 E. Onondaga St.  
Syracuse, NY 13202

**Topics:** Testimony set forth in his court-filed declarations [Dkt. 7]; settlement with the Official Committee of Unsecured Creditors ("Committee"); formulation of the Third Amended Plan of Reorganization and prior Plans; the Insurance Policies and responsibilities under these Insurance Policies; the Gallagher Bishop's Program and/or Gallagher Bishop's Plan; the relationship between the Diocese and its third-party administrators or brokers; the defense of liability claims, including sexual abuse claims, asserted against the Diocese and its Related Entities; the settlement of sexual abuse claims asserted against the Diocese and its Related Entities prior to the Diocese's filing

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<sup>2</sup> Certain Insurers reserve the right to notice the deposition of the Diocese pursuant to Rule 30(b)(6) pertaining to the topics put forth.

<sup>3</sup> Certain Insurers reserve the right to notice the deposition of the Diocese pursuant to Rule 30(b)(6) pertaining to the topics put forth.

the Chapter 11 Case in the Northern District of New York Bankruptcy Court on June 19, 2020; the use of a service organization; the treatment and settlement of abuse claims and abuse claimants; the contemplated Trust Agreement and Allocation Protocol; Communications between the Diocese and the Related Entities with the Committee and abuse claimants; Trust governance and selection of Trust fiduciaries; document retention policies; procurement of excess insurance; and all topics relevant to confirmation under 11 U.S.C. § 1129.

- 3) Mr. Stephen Helmer  
Ms. Lorraine Mertell  
Mackenzie Hughes, LLP  
Mackenzie Hughes Tower, 440 S. Warren St.  
Syracuse, NY 13202

**Topics:** The role of Mackenzie Hughes, LLP and attorneys as counsel for the Diocese and its Related Entities; the defense and resolution of sexual abuse claims asserted against the Diocese and its Related Entities; non-privileged communications about abuse claims; the cost of defending sexual abuse claims; defense counsel reporting on proceedings and settlement of sexual abuse claims; document authentication; and all topics relevant to confirmation under 11 U.S.C. § 1129.

- 4) Ms. Kelly L. Asensio  
Marsh Risk Consulting  
20 Church Street  
Hartford, CT 06103

**Topics:** The Diocese's introduction to and participation in the Gallagher Bishop's Plan; the marketing of the Gallagher Bishop's Plan to the Diocese and to other U.S. Catholic dioceses; the role of Marsh Risk Consulting in the marketing, sale, and/or administration of the Gallagher Bishop's Plan, particularly as to the Diocese; Communications between Marsh Risk Consulting and the Diocese; contracts between Marsh Risk Consulting and the Diocese; the defense and settlement of liability claims brought against the Diocese, including Abuse Claims; the Diocese's handling of and duties concerning Abuse Claims; the defense of Abuse Claims; the settlement of Abuse Claims; handling of the Abuse Claims with the Certain Insurers; document retention policies; and all topics relevant to confirmation under 11 U.S.C. § 1129.

- 5) Rule 30(b)(6) Representative of Arthur J. Gallagher (U.K.)  
25 Walbrook  
7th Floor and Part Basement  
London, England EC4N 8AF

**Topics:** The Diocese's introduction to and participation in the Gallagher Bishop's Plan; the marketing of the Gallagher Bishop's Plan to the Diocese and to other U.S. Catholic dioceses; the role of Arthur J. Gallagher (U.K.) in the marketing, sale, and/or administration of the Gallagher Bishop's Plan, particularly as to the Diocese;

Communications between Arthur J. Gallagher (U.K.) and the Diocese; contracts between Arthur J. Gallagher (U.K.) and the Diocese; the defense and settlement of liability claims brought against the Diocese, including Abuse Claims; the Diocese's handling of and duties concerning Abuse Claims; the defense of Abuse Claims; the settlement of Abuse Claims; handling of the Abuse Claims with the Certain Insurers; document retention policies; and all topics relevant to confirmation under 11 U.S.C. § 1129.

- 6) Rule 30(b)(6) Representative of Arthur J. Gallagher  
2850 Golf Road  
Rolling Meadows, IL 60008

**Topics:** The Diocese's introduction to and participation in the Gallagher Bishop's Plan; the marketing of the Gallagher Bishop's Plan to the Diocese and to other U.S. Catholic dioceses; the role of Arthur J. Gallagher in the marketing, sale, and/or administration of the Gallagher Bishop's Plan, particularly as to the Diocese; Communications between Arthur J. Gallagher and the Diocese; contracts between Arthur J. Gallagher and the Diocese; the defense and settlement of liability claims brought against the Diocese, including Abuse Claims; the Diocese's handling of and duties concerning Abuse Claims; the defense of Abuse Claims; the settlement of Abuse Claims; handling of the Abuse Claims with the Certain Insurers; document retention policies; and all topics relevant to confirmation under 11 U.S.C. § 1129.

- 7) Rule 30(b)(6) Representative of Gallagher Bassett Services  
1411 Opus Plaza  
Downers Grove, IL 60515

**Topics:** The Diocese's introduction to and participation in the Gallagher Bishop's Plan; the handling of the Gallagher Bishop's Plan to the Diocese and to other U.S. Catholic dioceses; the role of Gallagher Bassett Services as the service organization; Communications between Gallagher Bassett Services and the Diocese; contracts between Gallagher Bassett Services and the Diocese; the defense and settlement of liability claims brought against the Diocese, including Abuse Claims; the Diocese's handling of and duties concerning Abuse Claims; the defense of Abuse Claims; the settlement of Abuse Claims; document retention policies; and all topics relevant to confirmation under 11 U.S.C. § 1129.

- 8) Trust Administrator from DW Harrow & Associates, LLC  
301 Commerce Street, Suite 1500  
Fort Worth, TX 76102

**Topics:** The Third Amended Plan of Reorganization confirmation issues; issues pertaining to the Trust; experience and handling of other bankruptcy and diocese-related cases; connections and communications with counsel for the Diocese and Committee; connections and communications with all underlying counsel in the state court cases of the Diocese matter; any potential conflicts and conflicts of interest

waivers entered into; the general role of a trust administrator; and all topics relevant to confirmation under 11 U.S.C. § 1129.

- 9) Roger Kramer  
Kramer Law, LLC – Abuse Claim Reviewer  
Waters Drive Business Park  
2307 Waters Drive  
Mendota Heights, MN 55120

**Topics:** The Third Amended Plan of Reorganization confirmation issues; issues pertaining to the Trust; experience and handling of other bankruptcy and diocese-related cases; connections and communications with counsel for the Diocese and Committee; connections and communications with all underlying counsel in the state court cases of the Diocese matter; any potential conflicts and conflicts of interest waivers entered into; the general role of an abuse claims reviewer; the process of reviewing abuse claims and making decisions on the claims; and all topics relevant to confirmation under 11 U.S.C. § 1129.

10) Rule 30(b)(6) Representative of the Committee

**Topics:** Settlement with the Diocese; formulation of the Third Amended Plan of Reorganization and prior Plans; the Insurance Policies at issue in this matter; the relationship between the Committee and the Diocese and Related Entities; any knowledge of the settlement of sexual abuse claims asserted against the Diocese and its Related Entities prior to the Diocese's filing the Chapter 11 Case in the Northern District of New York Bankruptcy Court on June 19, 2020; Claimants who filed proofs of claim where the Diocese and/or a Related Entity made a payment, received a release, or defended pre-petition; the selection of the Trust Administrator; the selection of the Abuse Claims Reviewer; Trust governance and selection of Trust fiduciaries; the Allocation Protocol; document retention policies; procurement of excess insurance; and all topics relevant to confirmation under 11 U.S.C. § 1129.

11) Rule 30(b)(6) of the respective Parishes, including, but not limited to, the following:

- 1) Church of St. Anthony of Padua, 1515 Midland Avenue, Syracuse, NY 13205
- 2) St. John's Church, N/S Rte. No. 49, North Bay, Oneida Co., NY 13123
- 3) St. Mary's, 59 North Main Street, Cortland, NY 13045
- 4) St. Mary's, 13 Marvin Street, Clinton, NY 13323
- 5) Seton Catholic Central High School, 70 Seminary Ave, Binghamton, NY 13905
- 6) Notre Dame High School, 2 Notre Dame Ln, Utica, NY 13502
- 7) St. Vincent de Paul Blessed Sacrament Church, 165 Clifton Blvd., Vestal, NY 13850 (f/k/a Blessed Sacrament Parish, 13 Cenacle Plaza, Johnson City, NY 13790)
- 8) Christ the Good Shepherd, 50 East Mohawk Street, Oswego, NY 13126

- (f/k/a St. Joseph, St. Louis, and others)
- 9) Holy Trinity Parish, 309 Buffalo Street, Fulton, NY 13069 (f/k/a Holy Family)
  - 10) St. Peter's Catholic Church, 422 Coventry Ave, Utica, NY 13502
  - 11) St. Peter's Church, 709 James Street, Syracuse, NY 13203

**Topics:** The following pertains to each Parish: The relationship between the Parishes and the Diocese; settlement with the Committee; formulation of the Third Amended Plan of Reorganization and prior Plans; the Insurance Policies and responsibilities under these Insurance Policies; the relationship between the Parishes, the Diocese and their third-party administrators or brokers; the defense of liability claims, including sexual abuse claims, asserted against the Diocese and its parishes, schools and other related entities; the settlement of sexual abuse claims asserted against the Parishes, Diocese, and other Related Entities prior to the Diocese's filing the Chapter 11 Case in the Northern District of New York Bankruptcy Court on June 19, 2020; the treatment and settlement of abuse claims and abuse claimants; the contemplated Trust Agreement and Allocation Protocol; Communications between the Parishes, Diocese, and the Related Entities with the Committee and abuse claimants; Trust governance and selection of Trust fiduciaries; document retention policies; procurement of excess insurance; and all topics relevant to confirmation under 11 U.S.C. § 1129.

- 12) Any and all individuals listed on documents yet to be produced by any of the (a) Debtor, (b) Committee, and/or (c) Other Catholic Entities.

**Topics:** All topics relevant to confirmation under 11 U.S.C. § 1129.

- 13) Any and all witnesses necessary to rebut the testimony of witnesses called by any of the parties.

**Topics:** All topics relevant to confirmation under 11 U.S.C. § 1129.

Dated: May 22, 2024

Respectfully submitted,

By /s/ Brian Micic

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